

Attorney's Docket No. IDS-11703/14

PATENT

**REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY
(BY INVENTOR(S) OR ASSIGNEE)**

(complete A or B)

A. ☒ DECLARATION BY THE INVENTOR(S)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is described and claimed in letters patent number 5,862,921, granted on Jan. 26, 1999, and in the foregoing specification, and for which invention I solicit a reissue patent.

B. ☐ DECLARATION BY ASSIGNEE

NOTE: The assignee of the entire interest may make the declaration, if the reissue application does not seek to to enlarge the scope of the claims of the original patent. 37 CFR 1.172.

_____, _____,
(type or print name of declarant) Title
of _____,
Name of company or legal entity on whose behalf declarant is authorized to sign
declare that I am a citizen of _____ and resident of _____,
_____, that the entire title to letters patent number _____,
for _____,
granted on _____, 19____ to _____
Inventor(s)

is vested in _____
Name of company or legal entity

that I believe said named inventor(s) to be an original, first and sole inventor (*if only one name is listed*) or an original, first and part inventor (*if plural names are listed*) of the subject matter that is described and claimed in the aforesaid letters patent and in the foregoing specification and for which invention I solicit a reissue patent.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

(37 CFR § 1.175(a)(7))

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims,

I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent.

- ☐ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 CFR 1.98.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

(complete C or D)

- C. ☒ No such applications have been filed.
D. ☐ Such applications have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)	Priority Claimed
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

BENEFIT OF PROVISIONAL APPLICATION

**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OR INVALIDITY OF ORIGINAL PATENT**

(37 CFR 1.175)

That I verily believe the original patent to be

☒ partly

☐ wholly

inoperative or invalid **because of error without any deceptive intent on the part of the applicant.** (37 CFR 1.175(a)(6).

The statement below specifies the errors relied upon, and how they arose (37 C.F.R. § 1.175(a)(5)).

- ☒ why the original patent is believed to be wholly or partly inoperative or invalid (37 C.F.R. § 1.175(a)(1));
- ☒ particularly the defects upon which the claim that such patent is inoperative or invalid "by reason of a defective specification or drawing" is based (37 C.F.R. § 1.175(a)(2)); and or
- ☒ distinctly the excess or insufficiency in the claims that make the patent inoperative or invalid "by reason of the patentee claiming more or less than he had a right to claim in the patent." (37 C.F.R. § 1.175(a)(3))
- ☐ Corroborating affidavits or declarations of others accompany this declaration. (37 C.F.R. § 1.175(b)).

**STATEMENT OF INOPERATIVENESS
OR INVALIDITY OF ORIGINAL PATENT**

NOTE: This statement must:

- (1) include the reasons why the applicant verily believes the original patent to be wholly or partly inoperative (37 C.F.R. § 1.175(a)(1));
- (2) particularly specify the defects, when it is claimed that the original patent is inoperative or invalid "by reason of a defective specification or drawing" (37 C.F.R. § 1.175(a)(2));
 - (a) distinctly specifying the excess or insufficiency in the claims when it is claimed that the original patent is inoperative or invalid "by reason of the patentee claiming more or less than he had the right to claim in the patent" (37 C.F.R. § 1.175(a)(3)); and
 - (b) "particularly specifying the errors relied upon, and how they arose or occurred" (37 C.F.R. § 1.175(a)(5)).

The original patent is believed to be partly inoperative or invalid in that I claimed less than I had a right to claim in the patent. In particular, the independent claims state that vertical and horizontal rails form an obtuse angle. This limitation is not necessary to distinguish over the prior art and unnecessarily limits the scope of the claims. The obtuse angle limitation appears in claim 1, column 5, lines 63-64; claim 9, column 7, lines 43-44; claim 15, column 9, lines 10-11; claim 21, column 10, lines 53-54; claim 23, column 11, lines 39-40; claim 24, column 12, lines 14-15; claim 27, column 13, lines 23-24; claim 28, column 14, lines 7-8; claim 29, column 14, lines 59-60; claim 30, column 15, lines 45-46; claim 31, column 16, lines 31-32; claim 32, column 17, lines 19-20; claim 33, column 18, lines 13-14; claim 34, column 19, lines 7-8; claim 35, column 20, lines 3-4; and claim 36, column 21, lines 1-2. The limitation has been deleted in each of these circumstances. In addition, several typographical errors have been corrected in the specification. Specifically, the word "abut" has been replaced with the word "above" in the Abstract. Also, the word "space" has been replaced "spaced" in column 5, line 4. The first occurrence of the words "second set" has been deleted in claim 12, column 8, line 29.

(use supplemental page(s), if necessary)

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith

(list name and registration number)

Ernest I. Gifford (Reg. No. 20,644)
 Allen M. Krass (Reg. No. 18,277)
 Irvin L. Groh (Reg. No. 17,505)
 Douglas W. Sprinkle (Reg. No. 27,394)
 Douglas J. McEvoy (Reg. No. 34,385)
 John G. Posa (Reg. 37,424)
 Douglas L. Wathen (Reg. No. 41,369)

Thomas E. Anderson (Reg. No. 31,318)
 Ronald W. Citkowski (Reg. No. 34,732)
 Judith M. Riley (Reg. No. 30,311)
 Ellen S. Cogen (Reg. No. 38,109)
 Avery N. Goldstein (Reg. No. 39,204)

SEND CORRESPONDENCE TO:**DIRECT TELEPHONE CALLS TO:**

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 Birmingham, MI 48009

John G. Posa
 (734) 913-9300

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature(s)

☒ BY THE INVENTOR(S)

Full name of sole or first inventor Frank Venegas, Jr.

Inventor's signature [Signature]

Date 1-26-01 Country of Citizenship US

Residence Brighton, Michigan

Post Office Address 5682 Lake Ridge Dr.

Brighton, Michigan 48116

Full name of second joint inventor, if any _____

Inventor's signature _____

Date _____ Country of Citizenship _____

Residence _____

Post Office Address _____

139410-267460

☐ **BY ASSIGNEE OR PERSON AUTHORIZED TO SIGN ON BEHALF OF ASSIGNEE**

NOTE: Even though inventor(s) do not sign, complete above information for inventor(s).

(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee

- ☐ Assignment recorded in PTO on _____
Reel _____
Frame _____
- ☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET"
or ☐ FORM PTO 1595 is submitted herewith along with the
assignment _____.

CERTIFICATION BY ASSIGNEE

- ☐ Attached is a "CERTIFICATE UNDER 37 CFR 3.73(b)," establishing the right of the assignee to take action in this reissue.

Signature of assignee or person authorized to
sign on behalf of assignee

(check proper box(es) for any added page(s) forming a part of this declaration)

- ☐ Signature for third and subsequent joint inventors. Number of pages added. _____
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added. _____
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added. _____
- ☐ Statement of inoperativeness or invalidity of original patent. 37 CFR 1.175. Number of pages added _____
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.
- ☐ Corroborating affidavits or declarations of others. 37 C.F.R. 1.175(b).

Attorney's Docket No.: IDS-11703/14

Applicant: Frank Venegas, Jr

For CART CORRAL

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL
ENTITY STATUS (37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR**

As the below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled CART CORRAL, described in

- ☒ the reissue specification filed herewith.
☐ application serial no _____, filed _____
☐ patent no _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such persons, concern, or organization
☐ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

FULL NAME _____

ADDRESS _____

☐ Individual☐ Small Business Concern☐ Non-Profit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Frank Venegas, Jr.

Name of Inventor

Signature of Inventor

Date

1-26-01

(Small Entity-Independent Inventor [7-1])